

## **REMARKS/ARGUMENTS**

This paper is in response to the Office Action of December 12, 2005 and the Examiner is thanked for the careful review of this Application. Applicant has amended the claims to better define the claimed invention. The amendments do not introduce new matter.

### **Objections to the Specification:**

The disclosure was objected to because the incorporation by reference did not include the application number of the referenced US patent application. Applicant has amended the specification in this paper to correct the ineffective incorporation by reference. Applicant therefore, requests that the objection to the specification be removed.

### **Claim Rejections Under 35 U.S.C. § 112**

Claims 1, 8, and 15 were rejected under 35 U.S.C. 112 for containing subject matter not described in the specification. Applicant has amended claims 1, 8, and 15 to remove the subject matter not described in the specification. Applicant therefore requests that the 35 U.S.C. 112 rejections be removed.

### **Claim Rejections Under 35 U.S.C. § 103(a)**

Claims 1, 3, 7, 8, 10, 14, 15, 17, and 21-26 were rejected under 35 U.S.C. 103(a) as being unpatentable over Hipp (US 6,848,106) in view of VMware (Technical White Paper- February 1999). Applicant respectfully traverses these rejections. As discussed below, Applicant respectfully submits that the cited prior art references in combination do not disclose or suggest all of the features of the claimed invention.

Applicant has amended claims 1, 8, and 15 to further specify that the translation table is persistently stored within the compute capsule. The combination of the prior art does not disclose or suggest the translation table being persistently stored within a compute capsule. VMware is silent with regard to translation tables to bind a virtual token to a resource. Hipp does disclose a translation table for translating virtual Resource ID to system IDs (Figures 10, 11, and 12) however this translation table is contained within the operating system kernel to work with Hipp's AppShot framework. Applicant's claimed invention persistently stores the translation table within the compute capsule which is not contained within the operating system kernel of a computer system. Providing a translation table within the compute capsule provides a transparent mobility of the computing environment since all the token mappings are contained within the compute capsule and not in the host system's kernel (paragraph 58 line 2).

Furthermore, Applicant respectfully submits that there is not a suggestion to modify the teachings of Hipp to relocate the translation tables as would be required to support a *prima facie* case of obviousness. Hipp discloses a system which is utilized for an on-demand infrastructure. In such an environment, idle applications are snapshotted to free up system resources while higher priority requests are restored on-demand (col 4 lines 36-48). Therefore, a translation table located within an operating system kernel would enable snapshotting and restoring applications with minimum delay since the kernel usually has the highest priority to processor resources. Minimizing snapshotting and restoration delays would be important in an on-demand infrastructure since any latency in providing system resources would adversely impact application performance when multiple applications have to be idled and restored seamlessly. If the translation tables in Hipp were located in the virtual environment, real-time performance in snapshotting and restoring an application could not be achieved because the translation would have to occur outside the operating system kernel, which is usually the lowest software level in a

computer system and usually has the highest priority access to processor resources. Consequently, a modification to Hipp, as suggested by the Examiner, would render it unsatisfactory for its intended purpose. Accordingly there is no motivation to relocate the translation tables outside of the operating system kernel.

For at least the same reasons provided for the independent claims, Applicant respectfully submits that the dependent claims are allowable. Applicant therefore respectfully requests that the section 103 rejections be removed.

In view of the foregoing, the Applicant respectfully submits that all the pending claims 1-3, 7, 8-10, 14, 15-17, and 21-26 are in condition for allowance. Accordingly, a Notice of Allowance is respectfully requested. If the Examiner has any questions concerning the present Amendment, the Examiner is requested to contact the undersigned at (408) 774-6911. If any additional fees are due in connection with filing this Amendment, the Commissioner is also authorized to charge Deposit Account No. 50-0805 (Order No. SUNMP584). A duplicate copy of the transmittal is enclosed for this purpose.

Respectfully submitted,  
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